



P.B.5818 - Patentlaan 2
2280 HV Rijswijk (ZH)
☎ +31 70 340 2040
TX 31651 epo nl
FAX +31 70 340 3016

Europäisches
Patentamt

Zweigstelle
in Den Haag
Recherchen-
abteilung

European
Patent Office

Branch at
The Hague
Search
division

Office européen
des brevets

Département à
La Haye
Division de la
recherche

Stoner, Gerard Patrick
MEWBURN ELLIS
York House
23 Kingsway
London WC2B 6HP
GRANDE BRETAGNE

AS

Datum/Date

06.12.02

Zeichen/Ref./Réf.

GPS/FP5827829

Anmeldung Nr./Application No./Demande n°/Patent Nr./Patent No./Brevet n°.
99913692.2-2401-JP9902045

Anmelder/Applicant/Demandeur/Patentinhaber/Proprietor/Titulaire
SUNTORY LIMITED

RECEIVED

06 DEC 2002

MEWBURN ELLIS

COMMUNICATION

The European Patent Office herewith transmits as an enclosure the European search report for the above-mentioned European patent application.

If applicable, copies of the documents cited in the European search report are attached.

- ☒ Additional set(s) of copies of the documents cited in the European search report is (are) enclosed as well.

The following specifications given by the applicant have been approved by the Search Division:

☒ abstract

☒ title

- ☐ The abstract was modified by the Search Division and the definitive text is attached to this communication.

The following figure will be published together with the abstract: NONE

REFUND OF THE SEARCH FEE

If applicable under Article 10 Rules relating to fees, a separate communication from the Receiving Section on the refund of the search fee will be sent later.





European Patent
Office

**SUPPLEMENTARY
PARTIAL EUROPEAN SEARCH REPORT**

Application Number

which under Rule 45 of the European Patent Convention shall be considered, for the purposes of subsequent proceedings, as the European search report

EP 99 91 3692

DOCUMENTS CONSIDERED TO BE RELEVANT			
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	CLASSIFICATION OF THE APPLICATION (Int.Cl.6)
X	BOSS P K ET AL: "AN APPLE POLYPHENOL OXIDASE CDNA IS UP-REGULATED IN WOUNDED TISSUES" PLANT MOLECULAR BIOLOGY, NIJHOFF PUBLISHERS, DORDRECHT, NL, vol. 27, 1995, pages 429-433, XP000929685 ISSN: 0167-4412 * the whole document *	1-17	C12N15/53 C12N15/29 C12N9/02 C12P17/04 C07K1/22 C12N5/14 A01H5/00 C12N15/52
T	NAKAYAMA A T ET AL: "Specificity analysis and mechanism of aurone synthesis catalyzed by aureusidin synthase, a polyphenol oxidase homolog responsible for flower coloration" FEBS LETTERS, ELSEVIER SCIENCE PUBLISHERS, AMSTERDAM, NL, vol. 499, no. 1-2, 15 June 2001 (2001-06-15), pages 107-111, XP004246997 ISSN: 0014-5793		
			TECHNICAL FIELDS SEARCHED (Int.Cl.6)
			C12N C12P
The supplementary search report has been based on the last set of claims valid and available at the start of the search.			
INCOMPLETE SEARCH			
The Search Division considers that the present application, or some or all of its claims, does/do not comply with the EPC to such an extent that a meaningful search into the state of the art cannot be carried out, or can only be carried out partially, for the following claims:			
Claims searched completely :			
Claims searched incompletely :			
Claims not searched :			
Reason for the limitation of the search: see sheet C			
Place of search MUNICH		Date of completion of the search 22 November 2002	Examiner Loubradou-Bourges, N
CATEGORY OF CITED DOCUMENTS			
X : particularly relevant if taken alone Y : particularly relevant if combined with another document of the same category A : technological background O : non-written disclosure P : intermediate document		T : theory or principle underlying the invention E : earlier patent document, but published on, or after the filing date D : document cited in the application L : document cited for other reasons & : member of the same patent family, corresponding document	

6

EPO FORM 1503 03.82 (P04C20)



DOCUMENTS CONSIDERED TO BE RELEVANT			CLASSIFICATION OF THE APPLICATION (Int.Cl.6)
Category	Citation of document with indication, where appropriate, of relevant passages	Relevant to claim	
T	NAKAYAMA T ET AL: "Aureusidin synthase: A polyphenol oxidase homolog responsible for flower coloration." SCIENCE (WASHINGTON D C), vol. 290, no. 5494, 2000, pages 1163-1166, XP002220173 ISSN: 0036-8075 ---		
T	SATO TAKUYA ET AL: "Enzymatic formation of aurones in the extracts of yellow snapdragon flowers." PLANT SCIENCE (SHANNON), vol. 160, no. 2, pages 229-236, XP002220174 ISSN: 0168-9452 -----		TECHNICAL FIELDS SEARCHED (Int.Cl.6)



Claim(s) searched completely:
4-17

Claim(s) searched incompletely:
1-3

Reason for the limitation of the search:

Present claims 1-3 relate to a product defined by reference to a desirable characteristic or property, namely the activity to synthesize auronones by using chalcones as substrates.

The claims cover all products having this characteristic or property, whereas the application provides support within the meaning of Article 84 EPC and/or disclosure within the meaning of Article 83 EPC for only one of such products. In the present case, the claims so lack support, and the application so lacks disclosure, that a meaningful search over the whole of the claimed scope is impossible. Independent of the above reasoning, the claims also lack clarity (Article 84 EPC). An attempt is made to define the product by reference to a result to be achieved. Again, this lack of clarity in the present case is such as to render a meaningful search over the whole of the claimed scope impossible. Consequently, the search has been carried out for those parts of the claims which appear to be clear, supported and disclosed, namely those parts relating to proteins having an amino acid sequence related to SEQ ID N°2.